

REMARKS

This is in full and timely response to the Advisory Action dated December 19, 2004 and the final Office Action mailed September 29, 2003, and is submitted concurrently with a Request for Continued Examination (RCE) and a Petition for a one-month extension of time.

By this Amendment, claims 1 and 3 were amended to recite that the total solid matter when (A), (B), (C), (D) and (E) are combined is 55-70%. Support for this amendment can be found variously throughout the specification, for example, at page 10, lines 13-16. No new matter was added.

Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,721,018 to Göldner et al. Applicants respectfully traverse this rejection.

Claim 1 recites a coating composition for undercoat comprising: (A) an acrylic resin having a hydroxyl value of 30 to 85, a glass transition temperature (T_g) within the range of 40 to 90°C and a weight average molecular weight of 1000 to 30000, (B) a pigment, (C) resin fine particles, (D) a polyisocyanate compound, and (E) a curing catalyst; wherein: a ratio of isocyanate group in the (D) component to 1 equivalent of hydroxyl group in the (A) component is 2.0 to 4.0 equivalents; content of the (B) component is from 100 to 500 parts by weight relative to 100 parts by weight of resin solid matter; the (C) component is mixed so as to be from 0.1 to 5% by weight as a solid matter relative to the weight of the (B) component, and wherein the total solid matter when (A), (B), (C), (D) and (E) are combined is 55-70%.

Claim 3 recites a coating method for repair comprising steps of: conducting surface treatment at a part to be repaired; providing undercoat; and providing topcoat; wherein a coating composition for the undercoat comprises: (A) an acrylic resin having a hydroxyl value of 30 to 85, a glass transition temperature (T_g) within the range of 40 to 90°C and a weight average molecular weight of 1000 to 30000, (B) a pigment, (C) resin fine particles, (D) a polyisocyanate compound, and (E) a curing catalyst; wherein: a ratio of isocyanate group in the (D) component

to 1 equivalent of hydroxyl group in the (A) component is 2.0 to 4.0 equivalents; content of the (B) component is from 100 to 500 parts by weight relative to 100 parts by weight of the resin solid matter; the (C) component is mixed so as to be from 0.1 to 5% by weight as a solid matter relative to the weight of the (B) component, and wherein the total solid matter when (A), (B), (C), (D) and (E) are combined is 55-70%.

Accordingly, the present claimed invention can make the solid matter content to be high, approximately 55-70%, based on the members of the composition, then makes it available to obtain a thick coating of approximately 50-500 μ m when applied. The total solid of 55-70% is at the time the coating is applied, and not to the dried coating. This is consistent with the claim language since it recites the coating material components. Then the coating is excellent in covering or hiding undercoating. Additionally, the thick coating makes it easier to maintain or repair and may simplify the putty process if the damage on the coating is small.

In contrast, Göldner et al. '018 discloses that "the layer thickness is preferably about 10 to 30 m of dried film for coating of base laquers according to the invention and about 25 to 50 m for the clear laquer." See col. 18, lines 50-52. Applicants believe "m" should be microns, or μ m. Accordingly, the Göldner et al. '018 coating is not a thick coating, and the object of Göldner et al. '018 is not to form a thick coating.

Still further, the production examples of Göldner et al. '018 are related to resin components such as methacrylate resin and polyurethane dispersion, and are not to a coating composition that includes pigment components. Example 4 and 5 of Göldner et al. '018 are for coatings of the final product. In example 4, for example at col. 21, lines 45+, 100 g of the laquer has 86.6 wt% pigment paste 72 g, 80 % melamine resin 111 g, and 142 g water. This is diluted with 62 g water and the coating viscosity is adjusted. As calculated below, solid content at the time of painting is 28.5%:

$$(72*0.866) + (111*0.8) + (17.7*0.25) + (7.6*0.85) / (72+111+17.7+7.6+142) \approx 0.46$$
$$(100*0.46)/(100+62)*100 \approx 28.5 \text{ wt\%}$$

Similarly, Example 5 has a sold content at the time of coating of 29 wt%:

$$(255*0.808) + (550*0.42) + (78*0.8) + (12.4*0.25) + (0.8*0.85) / (255+550+78+12.4+0.8+150)$$
$$\approx 0.48$$
$$(100*0.48)/(100+62)*100 \approx 29 \text{ wt\%}$$

Still further, Examples 4 and 5 do not show a coating thickness that would be 10-30 μ m as shown in the specification. Accordingly, Göldner et al. '018 does not disclose, teach or suggest high solid content and high thickness, as discussed above.

A document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Göldner et al. '018 fail to disclose, either explicitly or implicitly, teach or suggest at least the above-noted elements recited in independent claims 1 and 3, Göldner et al. '018 cannot anticipate the claims. At least in view of the foregoing, claims 1 and 3 are allowable, and the rejection should be reconsidered and withdrawn.

Additionally, claim 2, being dependent upon allowable claim 1, is also allowable for the reasons above. Moreover, this claim is further distinguished by the additional features recited therein, particularly within the claim combination.

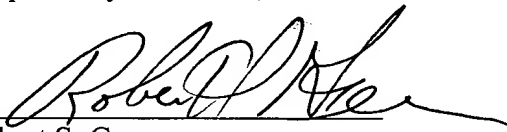
Accordingly, withdrawal of the §102 rejection is respectfully requested.

Conclusion

For the foregoing reasons, claims 1-3 are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these amendments and remarks is courteously solicited. If the examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

Dated: January 29, 2004

Respectfully submitted,

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